

Office of Harris County District Clerk - Marilyn Burgess

Page 1 of 3

HCDistrictclerk.comTEXTILE REAL ESTATE INVESTMENTS LLC vs.
NATIONAL CONTAINER GROUP LLC

7/26/2019

Cause: 201943587 CDI: 7 Court: 270

APPEALS

No Appeals found.

COST STATMENTS

No Cost Statments found.

TRANSFERS

No Transfers found.

POST TRIAL WRITS

No Post Trial Writs found.

ABSTRACTS

No Abstracts found.

SUMMARY**CASE DETAILS**

File Date	6/26/2019
Case (Cause) Location	Civil Intake 1st Floor
Case (Cause) Status	Ready Docket
Case (Cause) Type	SWORN ACCOUNT
Next/Last Setting Date	7/6/2020
Jury Fee Paid Date	7/3/2019

CURRENT PRESIDING JUDGE

Court	270 th
Address	201 CAROLINE (Floor: 13) HOUSTON, TX 77002 Phone: 7133686400
JudgeName	DEDRA DAVIS
Court Type	Civil

ACTIVE PARTIES

Name	Type	Post Jdgm	Attorney
TEXTILE REAL ESTATE INVESTMENTS LLC	PLAINTIFF - CIVIL		KLEIN, HUNTER MILAM
NATIONAL CONTAINER GROUP LLC	DEFENDANT - CIVIL		CLARK, MARK LYNN
TEXTILE RECYCLER INC	PLAINTIFF - CIVIL		KLEIN, HUNTER MILAM
NATIONAL CONTAINER GROUP LLC (A FOREIGN REGISTERED AGENT LIMITED LIABILITY COMPANY)			

INACTIVE PARTIES

No inactive parties found.

JUDGMENT/EVENTS

Date	Description	Pgs
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		Order Signed	Post Jdgm	Volume /Page	Filing Attorney	Person Filing
7/23/2019	ORDER SIGNED SUBSTITUTING ATTORNEY OF RECORD	7/23/2019	1			
7/15/2019	DOCKET CONTROL/PRETRIAL ORDER SIGNED	7/15/2019	4			
7/11/2019	DESIGNATED TRIAL READY		0			
7/3/2019	JURY FEE PAID (TRCP 216)		0			
7/3/2019	JURY FEE PAID (TRCP 216)		0			
7/3/2019	ANSWER ORIGINAL PETITION		0		SOLOMON, MICHAEL DEAN	NATIONAL CONTAINER GROUP LLC
6/26/2019	JURY FEE PAID (TRCP 216)		0			
6/26/2019	ORIGINAL PETITION		0		KLEIN, HUNTER MILAM	TEXTILE REAL ESTATE INVESTMENTS LLC
6/26/2019	ORIGINAL PETITION		0		KLEIN, HUNTER MILAM	TEXTILE RECYCLER INC

SETTINGS

Date	Court Post Jdgm	Docket Type	Reason	Results	Comments	Requesting Party
7/06/2020 12:00 AM	270	Trial Setting	Trial on Merits			

SERVICES

Type	Status	Instrument Person	Requested	Issued	Served	Returned	Received	Tracking	Deliver To
CITATION SERVICE RETURN/EXECUTED	ORIGINAL PETITION	NATIONAL CONTAINER GROUP LLC (A FOREIGN LIMITED LIABILITY COMPANY)	6/26/2019	6/26/2019	6/27/2019		7/3/2019	73640040	E-MAIL
701 BRAZOS STREET SUITE 1050 AUSTIN TX 78701									

Notices

Notice Date	Activity Date	Description	Connection To Case	Name	Address	Phone
7/25/2019	7/23/2019		0	CLARK, MARK LYNN	ONE RIVERWAY,, HOUSTON, TX 77056	713-403-8286
7/16/2019	7/15/2019		0	KLEIN, HUNTER MILAM	440 LOUISIANA, HOUSTON, TX 77002	713-654-9222
7/16/2019	7/15/2019		0	SOLOMON, MICHAEL DEAN	PO BOX 64093, ST. PAUL, MN 55164	281-606-8950

DOCUMENTS

Number	Document	Post Jdgm	Date	Pgs
86300429	Defendant' National Container Group, LLC's Unopposed Motion for Substitution of Counsel		07/23/2019	6
> 86300430	Proposed Order Granting Unopposed Motion to Substitute Counsel		07/23/2019	1

86327343	ORDER SIGNED SUBSTITUTING ATTORNEY OF RECORD	07/23/2019	1
86173902	DOCKET CONTROL/PRETRIAL ORDER SIGNED	07/15/2019	4
86024578	Defendant's Original Answer and Jury Demand	07/03/2019	3
86025897	Citation	07/03/2019	2
85905124	Plaintiffs' Original Petition	06/26/2019	7
-> 85905125	Civil Case Information Sheet	06/26/2019	1
-> 85905126	Civil Process Request Form	06/26/2019	1

CAUSE NO. _____

TEXTILE REAL ESTATE	§	
INVESTMENTS, LLC; TEXTILE	§	
RECYCLER, INC.,	§	IN THE DISTRICT COURT OF
<i>Plaintiffs,</i>	§	
	§	
	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
	§	
NATIONAL CONTAINER GROUP, LLC,	§	
<i>Defendant.</i>	§	_____ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

Textile Real Estate Investments, LLC (hereinafter referred to as "Textile Real Estate"), and Textile Recycler, Inc. (hereinafter referred to as "Textile Recycler," collectively referred to as "Plaintiffs") complain of National Container Group, LLC (hereinafter referred to as "Defendant" or "National Container Group"), and respectfully shows as follows:

**I.
DISCOVERY CONTROL PLAN**

1. Plaintiffs intend for discovery to be conducted under Level 3 of Rule 190 of the Texas Rules of Civil Procedure. This case involves complex issues and will require extensive discovery. Therefore, Plaintiffs ask the court to order that discovery be conducted in accordance with a discovery control plan tailored to the circumstances of this suit.

**II.
PARTIES AND PROCESS SERVICE**

2. Plaintiff Textile Real Estate is a Texas limited liability company with its principal place of business in Harris County, Texas.

3. Plaintiff Textile Recycler is a Texas corporation with its principal place of business in Harris County, Texas.

4. Defendant National Container Group, LLC is a foreign limited liability company engaging in the business of sales and services in Texas. Defendant may be served with process through their registered agent for service Lexis Document Services Inc. at 701 Brazos Street, Suite 1050, Austin, Texas 78701.

5. The Clerk is requested to issue Citations.

III. JURISDICTION

6. Plaintiffs seek monetary relief over \$2,000,000. Such damages sought are within the jurisdictional limits of the court. Plaintiffs contend that the determination of damages is within the sole discretion of the Judge and Jury, but make this stipulation as required by TEX.R.CIV.P. § 47.

7. The court has jurisdiction over Defendant National Container Group because this Defendant engages in the business of sales and services in Texas, and because Plaintiffs' causes of action arise out of this Defendant's business activities in Texas.

IV. VENUE

8. Venue is proper in Harris County, Texas, because the property giving rise to this cause of action is situated in Harris County, Texas, and the events forming the basis of this lawsuit occurred in Harris County, Texas. TEX.CIV.PRAC.REM.CODE §15.032.

V. FACTS

9. Plaintiff Textile Real Estate owned certain real property with improvements located at 13131 Almeda Road, Houston, TX 77045. That property was leased to Defendant National

Container Group, LLC. The lease was to be in effect from August 1, 2014 through January 31, 2019. The lease was in effect on May 28, 2018.

10. Knowingly, and in violation of the lease, National Container Group (without the knowledge or consent of Textile Real Estate) stored and used numerous hazardous chemicals in the property, including concentrated hydrogen peroxide, various acids, paint thinners, and other highly volatile chemicals. These chemicals were improperly stored, improperly combined. Specifically, the lease agreement states the following:

Permitted Use: Tenant represents and warrants to Landlord that Tenant intends to use the Premises for the reconditioning, storage, and distribution of empty plastic drums, steel drums, and composite IBC=s (sic) and other related items and operations. Tenant’s use of the Property is restricted to those purposes specified in this Section and no other unless Tenant obtains Landlord’s prior written consent to any change in use.

11. The storage of hazardous chemicals in the drums housed by National Container Group expressly violated the permitted use clause of the lease. Textile Real Estate never consented to this change in use. Storage of hazardous chemicals is not a related operation to “reconditioning, storage, and distribution of **empty** plastic drums, steel drums, and composite IBC=s....” These practices constituted a knowing, intentional, and material breach of the lease agreement.

12. National Container Group, through these practices, created an unreasonably dangerous condition on the property, allowing chemicals to leak through their containers, potentially causing wide-spread contamination of both the slab upon which the building sat, the underlying soils, and nearby lands (including a stream).

13. National Container Group was not qualified to use or store the chemicals they were secretly housing, and failed to take necessary safety precautions, mixed dangerous chemicals together without proper supervision, qualification, certification, testing, control, or warnings. National

Container Group failed to properly supervise, dispose of, monitor, or store the chemicals or their dangerous combinations. In fact, National Container Group took no safety precautions whatsoever.

14. On or about May 28, 2018 a fire broke out at the property, causing the total destruction of the building, and severely damaging the surrounding properties. This fire was caused by National Container Group negligently storing rags in a large bucket with paint and other chemicals that ignited. The fire was greatly exacerbated by the hidden presence of the chemicals stored by National Container Group. The presence of these chemicals has all but prevented Textile from rebuilding due to the greatly increased environmental concerns.

15. Plaintiff Textile Recyclers operated out of the adjacent warehouse. Following the fire, the warehouse had to be cleaned, and the business was forced to be shut down while the clean-up efforts were completed. The corrosive and toxic nature of the smoke and fallout from the fire caused the near total destruction of Textile Recycler's inventory, causing severe economic damages and debilitating the business practices of Textile Recyclers. Due to the fire, and the chemicals it included, Textile Recyclers had to replace all inventory present at the time of the fire.

16. But for the negligence and unreasonably dangerous conditions created by Defendant, Plaintiff Textile Real Estate would have been able to re-build, and Textile Recyclers could have continued their normal business operations.

17. National Container Group refused to accept comparable accommodations from Textile Real Estate, and has ceased paying rents, even though such amounts would continue to be owed due to National Container Group's knowing, intentional, and material breach of the lease agreement.

VI. CAUSES OF ACTION AGAINST DEFENDANT NATIONAL CONTAINER GROUP

i. BREACH OF CONTRACT

18. Plaintiff Textile Real Estate re-incorporates paragraphs 8 through 17 as if fully stated herein.

19. A valid contract existed between Plaintiff Textile Real Estate and Defendant. This contract was in full force and effect on the date of the occurrence.

20. Defendant's conduct, as stated above and incorporated herein, constituted a material breach of the contract between Plaintiff Textile Real Estate and Defendant.

21. This material breach proximately caused Plaintiff Textile Real Estate's damages, including lost rents from the building originally occupied by Defendant. In an attempt to mitigate its damages, Plaintiff Textile Real Estate offered to relocate Defendant to another of its buildings, but Defendant refused and has ceased paying rent, further damaging Plaintiff's business.

ii. NEGLIGENCE, GROSS NEGLIGENCE, NEGLIGENCE PER SE

22. Plaintiffs re-incorporate paragraphs 8 through 17 as if fully stated herein.

23. Accordingly, both Plaintiffs further state that Defendant and its agents, officers, and employees, for whose acts and omissions such Defendant is in all things responsible, engaged in several acts and omissions constituting negligence, negligence per se, gross negligence, gross negligence per se, gross neglect, and malice, as defined by the Texas Civil Practice and Remedies Code and all applicable law, and such acts and omissions, among others, are as follows:

- a. In secretly storing the hazardous chemicals in an extremely dangerous and unsafe manner Defendant created an unreasonably dangerous condition at the property;
- b. In knowingly storing hazardous chemicals without proper certification, qualification, or safety measures in place;
- c. In failing to inform Plaintiff about its storage and usage of these dangerous and hazardous chemicals

- d. In failing to store the chemicals in proper containers or to dispose of the chemicals in a safe manner, or in a manner prescribed by law;
- e. In dumping hazardous chemicals onto the ground at the facility, unreasonably creating environmental hazards

24. Due to Defendant's negligence, Plaintiff Textile Real Estate has been unable to rebuild the warehouse, has had to incur the costs of clean-up, and has been unable to receive rental income from the property. Plaintiff Textile Recyclers had to replace its entire inventory, cease its normal business operations, and clean the interior of the remaining warehouse.

VII. DAMAGES

25. Plaintiffs re-incorporate paragraphs 8 through 23 as if fully stated herein.

26. As a result of Defendant's conduct Plaintiffs have suffered substantial damages including lost income, lost revenues, lost rents, diminution of value of the property, and environmental impact costs, including cleanup costs, and testing costs.

27. As a result of Defendant's breach of the contract, Plaintiff Textile Real Estate seeks to recover its reasonable and necessary attorney's fees along with consequential damages.

28. For Defendant's knowing conduct, Plaintiffs seek consequential and exemplary damages.

29. For Defendant's gross negligence Plaintiffs seek consequential and exemplary damages.

30. Plaintiffs plead for any and all prejudgment and post-judgment interest.

VIII. REQUEST FOR DISCLOSURE

31. Pursuant to Texas Rule of Civil Procedure 194, Plaintiffs request that Defendant disclose the information or material described in Rule 194.2.

IX. JURY DEMAND

32. Plaintiffs hereby request a jury trial and tenders the appropriate jury fee.

**X.
PRAYER**

33. WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that upon trial hereof, Plaintiffs have and recover such sums as would reasonably and justly compensate Plaintiffs in accordance with the rules of law and procedure, both as to actual damages, economic damages, mental anguish damages, and all punitive and exemplary damages as may be found. In addition, Plaintiffs request the award of attorney's fees for the trial and any appeal of this case, for all costs of Court on their behalf expended, and for any other and further relief, either at law or in equity, to which Plaintiffs may show themselves to be justly entitled.

Respectfully submitted,

GREEN & KLEIN

By: /s/ Hunter M. Klein
HUNTER M. KLEIN
State Bar No.: 24082117
klein@greentriallaw.com
ROBERT D. GREEN
State Bar No.: 08368025
green@greentriallaw.com
440 Louisiana St., Suite 1900
Houston, Texas 77002
(713) 654-9222 - Telephone
(713) 654-52155 - Fax

ATTORNEY FOR PLAINTIFFS

CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

Envelope No: 34681670

By: CUERO, NELSON

Filed: 6/26/2019 10:06:12 AM

STYLED Textile Real Estate Investments, LLC, Textile Recycler, Inc. v. National Container Group, LLC

(e.g., John Smith v. All American Insurance Co.; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: Hunter M. Klein Email: klein@greentriallaw.com Address: 440 Louisiana St., Ste. 1900 City/State/Zip: Houston, TX 77002 Telephone: 713-654-9222 Fax: 713-654-2155 Signature: <i>HL</i> State Bar No: 24082117		Names of parties in case: Plaintiff(s)/Petitioner(s): Textile Real Estate Investments, LLC, Textile Recycler, Inc. Defendant(s)/Respondent(s): National Container Group, LLC [Attach additional page as necessary to list all parties]		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: Additional Parties in Child Support Case: Custodial Parent: Non-Custodial Parent: Presumed Father:	
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input checked="" type="checkbox"/> Other Debt/Contract: breach of contract and other claims Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order	Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:			
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:			
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case):					
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input checked="" type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000					

Receipt Number: 814018
Tracking Number: 73640040

COPY OF PLEADING PROVIDED BY PLT

CAUSE NUMBER: 201943587

5393/-1

PLAINTIFF: TEXTILE REAL ESTATE INVESTMENTS LLC

In the 270th Judicial

vs.

District Court of

DEFENDANT: NATIONAL CONTAINER GROUP LLC

Harris County, Texas

CITATION

THE STATE OF TEXAS
County of Harris

TO: NATIONAL CONTAINER GROUP LLC (A FOREIGN LIMITED LIABILITY COMPANY) BY SERVING
THROUGH THEIR REGISTERED AGENT FOR SERVICE LEXIS DOCUMENT SERVICES INC

701 BRAZOS STREET SUITE 1050

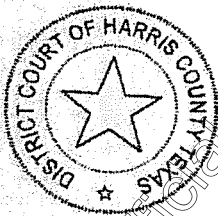
AUSTIN TX 78701

Attached is a copy of PLAINTIFFS' ORIGINAL PETITION.

This instrument was filed on June 26, 2019, in the above numbered and styled cause on the docket in the above Judicial District Court of Harris County, Texas, in the courthouse in the City of Houston, Texas. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

ISSUED AND GIVEN UNDER MY HAND and seal of said Court, at Houston, Texas, this June 26, 2019.



Marilyn Burgess

Marilyn Burgess, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002

Generated By: NELSON CUERO

Issued at request of:
KLEIN, HUNTER MILAM
440 LOUISIANA STREET SUTIE 1930
HOUSTON, TX 77002
713-654-9222

Bar Number: 24082117

CTH-6/27/19 @ 8:30 AM

IN THE 270TH JUDICIAL DISTRICT
HARRIS COUNTY, TEXAS

CAUSE NO: 201943587

TEXTILE REAL ESTATE INVESTMENTS, LLC
VS
NATIONAL CONTAINER GROUP, LLC

RETURN

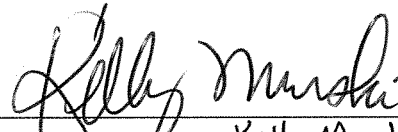
Came to my hand: 6/27/2019 , at 08:30 o'clock A.M. , the following specified documents:

- Citation
- Plaintiff's Original Petition
- Request for Disclosure
- Jury Demand

and executed by me on: 6/27/2019 , at 2:56 o'clock P.M. , at

211 E. 7TH STREET, SUITE 620, AUSTIN, TX 78701, within the county of TRAVIS, by delivering to NATIONAL CONTAINER GROUP LLC, by delivering to its registered agent, LEXIS DOCUMENT SERVICES, INC., by delivering to employee/managing agent, VANESSA HERNANDEZ , in person, a true copy of the above specified documents having first endorsed on such copy the date of delivery.

I am over the age of 18, not a party to nor interested in the outcome of the above numbered suit, and I declare under penalty of perjury that the foregoing is true and correct.



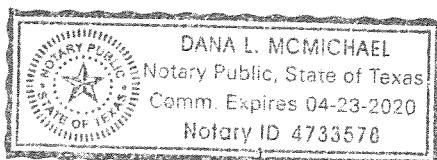
Authorized Person: Kelly Murshak, PSC5912
Expiration Date: 10/31/2020

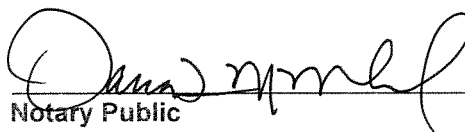
STATE OF TEXAS }

VERIFICATION

Before me, a notary public, on this day personally appeared the above named Authorized person, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements and facts therein contained are within his/her personal knowledge and experience to be true and correct. Given under my hand and seal of office on this the 27th day of

June, 2019.




Notary Public

CAUSE NO.: 2019-43587

TEXTILE REAL ESTATE INVESTMENTS, § IN THE DISTRICT COURT OF
LLC; TEXTILE RECYCLER, INC., §
VS. § HARRIS COUNTY, TEXAS
NATIONAL CONTAINER GROUP, LLC, § 270th JUDICIAL DISTRICT

DEFENDANT'S ORIGINAL ANSWER AND JURY DEMAND

TO THE HONORABLE JUDGE OF THIS COURT:

COMES NOW, **NATIONAL CONTAINER GROUP, LLC**, hereafter referred to as Defendant, and files this Original Answer in response to the claim(s) of **TEXTILE REAL ESTATE INVESTMENTS, LLC; TEXTILE RECYCLER, INC.**, hereafter referred to as Plaintiff, and respectfully shows the Court and Jury the following:

I.

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant denies each and every, all and singular, the material allegations contained in Plaintiff's Petition, and demands strict proof thereof as required by the constitution and laws of the State of Texas.

II.

Defendant pleads Chapter 33 of the Texas Civil Practice and Remedies Code, and asks the Court and Jury to consider the relative damages and conduct of the parties and all tortfeasors, including the Plaintiff, and accord the Defendant full benefit of said law. This Defendant is entitled to an offset, credit or percentage reduction based upon a determination of the relative fault of all persons and tortfeasors or upon the amount of money paid by all other Defendants, persons, and/or tortfeasors to Plaintiff.

III.

Pursuant to Rule 216 of the Texas Rules of Civil Procedure, Defendant hereby demands a trial by jury and makes application therefore.

WHEREFORE, PREMISES CONSIDERED, Defendant, having answered herein, prays that Plaintiff take nothing by this suit, that Defendant be discharged without delay, that Defendant be awarded all costs of Court, and all further relief, both general and special, legal and equitable, to which this Defendant may be justly entitled.

Respectfully submitted,

AYIK & ASSOCIATES



M. DEAN SOLOMON

State Bar No. 18832260

Mailing Address:

P.O. Box 64093

St. Paul, MN 55164-0093

PHYSICAL ADDRESS:

4650 Westway Park Blvd., Suite 150

Houston, Texas 77041

Direct No.: (281) 606-8963

Main Tel. No.: (281) 606-8950

Facsimile No.: (281) 606-8970

ESERVICE ONLY: EservHous@travelers.com

**ATTORNEY FOR DEFENDANT,
NATIONAL CONTAINER GROUP, LLC**

CERTIFICATE OF SERVICE

The undersigned attorney certifies that a true and correct copy of the above and foregoing instrument has been forwarded to all known counsel of record as listed below by certified mail, return receipt requested, and/or e-file/e-service, and/or via hand delivery, and/or via facsimile, on this the 2nd day of July, 2019.

Via E-Service: klein@greentriallaw.com

Hunter M. Klein
Green & Klein
440 Louisiana St., Suite 1900
Houston, Texas 77002



M. DEAN SOLOMON

Unofficial Copy Office of Marilyn Burgess District Clerk

CAUSE NO. 2019-43587

TEXTILE REAL ESTATE INVESTMENTS, LLC; TEXTILE RECYCLER, INC.,	§	IN THE DISTRICT COURT OF
Plaintiff	§	
	§	
V.	§	HARRIS COUNTY, TEXAS
	§	
NATIONAL CONTAINER GROUP, LLC,	§	
Defendant		270TH JUDICIAL DISTRICT

DEFENDANT' NATIONAL CONTAINER GROUP, LLC'S
UNOPPOSED MOTION FOR SUBSTITUTION OF COUNSEL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant, NATIONAL CONTAINER GROUP, LLC, in the above-styled and numbered cause, and pursuant to Rule 10 of the Texas Rules of Civil Procedure, respectfully moves the Court to substitute Mark L. Clark, of the law firm of Thompson, Coe, Cousins & Irons, L.L.P. as attorney of record for Defendant NATIONAL CONTAINER GROUP, LLC, and to allow M. Dean Solomon and the law firm of AYIK & ASSOCIATES to withdraw as attorneys of record for said Defendant.

I.

Pursuant to Rule 10 of the Texas Rules of Civil Procedure, Defendant's new attorney of record information is as follows:

Mark L. Clark
State Bar No. 00789226
Email: MLClark@thompsoncoe.com
Phone (713) 403-8286
Thompson, Coe, Cousins& Irons, L.L.P.
One Riverway, Suite 1400
Houston, Texas 77056
Facsimile (713) 403-8299

II.

Defendant approves of the substitution of Mark L. Clark, as lead counsel, Thompson, Coe, Cousins & Irons, L.L.P. in place and stead of M. Dean Solomon and the law firm of AYIK & ASSOCIATES as their attorneys of record.

III.

This substitution is not sought for delay and will not be used as a basis for delaying the setting of this case.

WHEREFORE, PREMISES CONSIDERED, Defendant NATIONAL CONTAINER GROUP, LLC respectfully request the Court to enter an Order substituting Mark L. Clark, as lead counsel, Diandra Pastor and Joshua Eberle of the law firm of Thompson, Coe, Cousins & Irons, L.L.P. in place and stead of M. Dean Solomon and the law firm of AYIK & ASSOCIATES and to allow M. Dean Solomon and the law firm of AYIK & ASSOCIATES to withdraw as attorneys of record in this matter and for such other and further relief to which they may be justly entitled.

Respectfully submitted,

AYIK & ASSOCIATES

By: /s/ M. Dean Solomon *by permission

M. Dean Solomon

State Bar No. 18832200

Mailing Address:

P.O. Box 64093

St. Paul, MN 55164-0093

PHYSICAL ADDRESS:

4650 Westway Park Blvd., Suite 150

Houston, Texas 77041

Direct No.: (281) 606-8963

Main Tel. No.: (281) 606-8950

Facsimile No.: (281) 606-8970

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been sent to all known counsel by e-service, first class mail, telecopy, hand delivery and/or certified mail, return receipt requested on this the 23rd day of July, 2019:

Hunter M. Klein
Robert D. Green
GREEN & KLEIN
440 Louisiana, Suite 1900
Houston, Texas 77002

M. Dean Solomon
AYIK & ASSOCIATES
4650 Westway Park Blvd., Suite 150
Houston, Texas 77041

/s/ Mark L. Clark
Mark L. Clark

CAUSE NO. 2019-43587

TEXTILE REAL ESTATE INVESTMENTS, LLC; TEXTILE RECYCLER, INC.,	§	IN THE DISTRICT COURT OF
Plaintiff	§	
	§	
V.	§	HARRIS COUNTY, TEXAS
	§	
NATIONAL CONTAINER GROUP, LLC,	§	270TH JUDICIAL DISTRICT
Defendant		

ORDER GRANTING UNOPPOSED MOTION TO SUBSTITUTE COUNSEL

BE IT REMEMBERED that on this day came to be considered the Unopposed Motion for Substitution of Counsel (the "Motion") filed herein by the counsel of record for Defendant NATIONAL CONTAINER GROUP, LLC in the above-entitled and numbered cause, and it appearing to the Court that such Motion should be GRANTED.

It is accordingly, ORDERED, ADJUDGED, and DECREED that M. Dean Solomon and the law firm of AYIK & ASSOCIATES, are allowed to withdraw as attorneys of record for Defendant NATIONAL CONTAINER GROUP, LLC, and that Mark L. Clark, as lead counsel, Diandra Pastor and Joshua Eberle of the law firm of Thompson, Coe, Cousins & Irons, L.L.P. be substituted as counsel of record for all purposes in all phases of the litigation of the above-entitled cause in place of M. Dean Solomon and the law firm of AYIK & ASSOCIATES, 4650 Westway Park Blvd., Suite 150, Houston, Texas 77041.

SIGNED this ____ day of _____, 2019.

JUDGE PRESIDING

AGREED AS TO FORM AND CONTENT:

AYIK & ASSOCIATES

THOMPSON COE COUSINS & IRONS LLP

By: /s/ M. Dean Solomon *by permission

M. Dean Solomon
State Bar No. 18832200
Mailing Address:
P.O. Box 64093
St. Paul, MN 55164-0093
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4650 Westway Park Blvd., Suite 150
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By: /s/ Mark L. Clark

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CAUSE NO. 2019-43587

TEXTILE REAL ESTATE INVESTMENTS, LLC; TEXTILE RECYCLER, INC.,	§	IN THE DISTRICT COURT OF
Plaintiff	§	
	§	
V.	§	HARRIS COUNTY, TEXAS
	§	
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SIGNED this ____ day of _____, 2019.

Signed:
 7/23/2019



 JUDGE PRESIDING

Case No. 201943587

DCORX

TEXTILE REAL ESTATE INVESTMENT

vs.

NATIONAL CONTAINER GROUP LLC

*
*
*
*
*

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

270th JUDICIAL DISTRICT

DOCKET CONTROL ORDER

The following docket control order shall apply to this case unless modified by the court. If no date is given below, the item is governed by the Texas Rules of Civil Procedure.

1. **04/06/20 JOINDER.** All parties must be added and served, whether by amendment or third party practice, by this date. THE PARTY CAUSING THE JOINDER SHALL PROVIDE A COPY OF THIS DOCKET CONTROL ORDER AT THE TIME OF SERVICE.
2. **EXPERT WITNESS DESIGNATION.** Expert witness designations are required and must be served by the following dates. The designation must include the information listed in Rule 194.2(f). Failure to timely respond will be governed by Rule 193.6.
 - (a) Experts for parties seeking affirmative relief.
 - (b) All other experts.
3. **STATUS CONFERENCE.** Parties shall be prepared to discuss all aspects of the case, including ADR, with the court on this date. TIME: Failure to appear will be grounds for dismissal for want of prosecution.
4. **DISCOVERY LIMITATIONS.** The discovery limitations of Rule 190.2, if applicable, or otherwise of Rule 190.3 apply unless changed below:
 - (a) Total hours per side for oral depositions.
 - (b) Number of interrogatories that may be served by each party on any other party.
5. **ALTERNATIVE DISPUTE RESOLUTION.**
 - (a) By this date the parties must either (1) file an agreement for ADR stating the form of ADR requested and the name of an agreed mediator, if applicable; or (2) set an objection to ADR. If no agreement or objection is filed, the court may sign an ADR order.
 - (b) **06/22/20** ADR conducted pursuant to the agreement of the parties must be completed by this date.
6. **DISCOVERY PERIOD ENDS.** All discovery must be conducted before the end of the discovery period. Parties seeking discovery must serve requests sufficiently far in advance of the end of the discovery period that the deadline for responding will be within the discovery period. Counsel may conduct discovery beyond this deadline by agreement. Incomplete discovery will not delay the trial.
7. **DISPOSITIVE MOTIONS AND PLEAS.** Must be heard by oral hearing or submission.
 - (a) **05/06/20** If subject to an interlocutory appeal, dispositive motions or pleas must be heard by this date.
 - (b) **06/05/20** Summary judgment motions not subject to an interlocutory appeal must be heard by this date.
 - (c) Rule 166a(i) motions may not be heard before this date.
8. **CHALLENGES TO EXPERT TESTIMONY.** All motions to exclude expert testimony and evidentiary challenges to expert testimony must be filed by this date, unless extended by leave of court.
9. **06/05/20 PLEADINGS.** All amendments and supplements must be filed by this date. This order does not preclude prompt filing of pleadings directly responsive to any timely filed pleadings.
10. Parties shall be prepared to discuss all aspects of trial with the court on this date. TIME: Failure to appear will be grounds for dismissal for want of prosecution.
11. **07/06/20 TRIAL.** If not assigned by the second Friday following this date, the case will be reset.

SIGNED

Signed: 7/15/2019



HUNTER MILAM KLEIN
440 LOUISIANA ST SUTIE 1930
HOUSTON TX 77002-1639

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DEDRA DAVIS
Judge, 270TH DISTRICT COURT
Date Generated 07/11/2019

STANDING ORDER OF THE 270TH DISTRICT COURT
REQUIRING ELECTRONIC FILING

After reviewing this file, the Court finds that this case is appropriate for electronic filing. Parties to this case are directed to file all papers allowed under the local rules, available at <http://www.justex.net>, electronically starting 45 days from the date of this order. If any party objects to this order, such objection should be set for hearing or submission within 30 days from the date of this order.

Unofficial Copy Office of Marilyn Burgess District Clerk

Case No. 201943587

DCORX

TEXTILE REAL ESTATE INVESTMENT

vs.

NATIONAL CONTAINER GROUP LLC

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

270th JUDICIAL DISTRICT

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11. **07/06/20 TRIAL.** If not assigned by the second Friday following this date, the case will be reset.

SIGNED

Signed: 7/15/2019

MICHAEL DEAN SOLOMON
PO BOX 64093
SAINT PAUL MN 55164-0093

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18832200

DEDRA DAVIS
Judge, 270TH DISTRICT COURT
Date Generated 07/11/2019

STANDING ORDER OF THE 270TH DISTRICT COURT
REQUIRING ELECTRONIC FILING

After reviewing this file, the Court finds that this case is appropriate for electronic filing. Parties to this case are directed to file all papers allowed under the local rules, available at <http://www.justex.net>, electronically starting 45 days from the date of this order. If any party objects to this order, such objection should be set for hearing or submission within 30 days from the date of this order.

Unofficial Copy Office of Marilyn Burgess District Clerk